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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

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Use of counterrorism legislation against citizens in Bahrain**

Introduction

In August 2006, the King of Bahrain ratified Law No. 58 of 2006 on the Protection of Society from Terrorist Acts. Nearly ten years after the enactment of this law, Bahraini authorities have used it to intimidate citizens from exercising civil and political rights. Considering all articles of criminalization present in this law can already be found in the Bahraini Penal Code, the usefulness of this new piece of legislation, which considerably intensifies punishment against citizens under the pretext of terrorism, remains questionable.

Restrictions on freedom of expression, assembly and association

First, the unnecessary generation of more excessive laws has crushed civil movement and democratic activity as well as eliminated freedom of expression in Bahrain, where social activities, seminars and pro-democracy events were ones of the most active in the region. In this way, state security authorities have been able to bring charges against political dissidents, human rights organizations and activists, who are considered long-term opponents to the government.

Examples include the imprisonment of Al-Wefaq's leader Sheikh Ali Salman and human rights activist Nabeel Rajab, the torture and sexual assault of human rights defender Ebtisam Al-Saegh, the dissolution of Bahrain's only independent newspaper Al-Wasat, the imposition of travel bans on activists as well as the excessive use of deportation, long prison sentences, citizenship revocation, execution and enforced disappearances. The latter has notably been classified by the United Nations as a crime against humanity, with the International Convention for the Protection of All Persons from Enforced Disappearance stating that "no person shall be subjected to enforced disappearance and no exceptional circumstance, whether a state of war or a threat of war, internal political instability or any situation, may be invoked to justify enforced disappearance"[1].

Empowerment of bodies

Further, Bahrain's counterterrorism legislation has given broad powers of the Public Prosecutor's Office, the National Security Agency and the judges in Bahrain, with the latter often issuing sentences which cannot be commuted. In addition to this, it has also led to the use of military courts in order to intimidate political dissidents and activists. On April 18, 2017, the King ratified another law disqualifying the civil judiciary from trying those charged with serious offenses related to terrorism. This piece of legislation has granted full powers to the military judiciary in trying civilians and without any specification of the exceptional or temporary nature of these powers. No valid justification exists for this practice, especially in light of the strictness of the civil judiciary, which had previously issued death sentences, carried out executions, revoked the nationality of hundreds, forcibly deported others, and often issued lifelong prison sentences.

Incompatibility with international law

Bahrain's Anti-terrorism Act is incompatible with international human rights law. This is deeply troubling, especially considering the Kingdom's membership to the United Nations Human Rights Council. On July 25th, 2006, a United Nations human rights expert thus urged the government of Bahrain to amend the anti-terrorism bill, expressing deep concerns that the law could harm human rights in the country and would be "disturbing in particular". Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedom Martin Schein has also called for a review of the law and has encouraged the executive and legislative authorities to amend it in order to bring it into conformity with international human rights law.

Recommendations

In light of the previous remarks, we recommend:

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[1] OHCHR | Convention CED. https://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx.